

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Roy Mark Baumgart v Department of Treasury**  
Docket No. **277466**  
L.C. No. **03-000132-MK**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the February 21, 2007 order granting summary disposition and a judgment in plaintiff's favor is **DISMISSED** for lack of jurisdiction since appellant failed to file the claim within 21 days of the entry of this order. MCR 7.202(6)(a)(i), 7.230(A)(1), 7.204(A), and 7.204(A)(1)(a). The filing of a motion for case evaluation sanctions, unfortunately, did not toll the time that appellant had to claim an appeal. *Baitinger v Brisson*, 230 Mich App 112, 116; 583 NW2d 481 (1998). If appellant still wants to challenge the February 21, 2007 order, it must file a delayed application for leave to appeal. MCR 7.203(B)(5) and 7.205(F)(1).

The claim of appeal from the March 28, 2007 order awarding case evaluation sanctions may go forward since this type of order is a final order that is appealable as a matter of right in and of itself. MCR 7.202(6)(iv) and 7.203(A)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk